



General Assembly

January Session, 2005

Raised Bill No. 1331

LCO No. 4597

04597_____FIN

Referred to Committee on Finance, Revenue and Bonding

Introduced by:
(FIN)

***AN ACT CONCERNING THE ORGANIZATION AND OPERATION OF
SPECIAL TAXING DISTRICTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-324 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) For the purposes of sections 7-324 to 7-329, inclusive, as
4 amended by this act, (1) "district" means any fire district, sewer district,
5 fire and sewer district, lighting district, village, beach or improvement
6 association and any other district or association, except a school
7 district, wholly within a town and having the power to make
8 appropriations or to levy taxes; (2) "voters" means persons eligible to
9 vote pursuant to section 7-6, except when the territorial limits of the
10 district include one or more remediation projects, "voters" shall include
11 holders of record of taxable interests in real property within such
12 district; (3) "remediation project" shall have the same meaning as in
13 subsection (ii) of section 32-23d; and (4) "qualified green building and
14 sustainable design project" shall have the same meaning as in 26 USC
15 142.

16 **(b)** All districts established prior to May 29, 1957, under the
 17 provisions of the general statutes or by special act shall be continued;
 18 provided any such district may be dissolved or consolidated with the
 19 government of any town, city or borough of which it is a part in
 20 accordance with the provisions of the general statutes or may, by a
 21 two-thirds vote of those voters present at a district meeting, elect to be
 22 governed by the provisions of sections 7-324 to 7-329, inclusive, as
 23 amended by this act, in lieu of the provisions of any general or special
 24 act under which such district was established or operated.
 25 Notwithstanding any of the provisions of sections 7-324 to 7-329,
 26 inclusive, as amended by this act, a district established prior to May 29,
 27 1957, and electing to be governed by said sections shall not be required
 28 to adopt the form of organization provided for in said sections but
 29 may continue its existing form of organization and nevertheless have
 30 and exercise the powers and duties granted to districts in said sections
 31 and in such event the officers of such district shall have and may
 32 exercise the powers and duties granted to district officers in said
 33 sections.

34 Sec. 2. Subsection (a) of section 7-325 of the general statutes is
 35 repealed and the following is substituted in lieu thereof (*Effective*
 36 *October 1, 2005*):

37 (a) Upon the petition of fifteen or more voters [, as defined by
 38 section 7-6,] of any town, specifying the limits of a proposed district for
 39 any or all of the purposes set forth in section 7-326, as amended by this
 40 act, the selectmen of such town shall call a meeting of the voters
 41 residing within, or owning taxable interests in real property within,
 42 such specified limits to act upon such petition, which meeting shall be
 43 held at such place within such town and such hour as the selectmen
 44 designate, within thirty days after such petition has been received by
 45 such selectmen. Such limits shall contain only contiguous property,
 46 except any proposed district which is proposed to be established only
 47 to plan, lay out, acquire, construct, reconstruct, repair, maintain,
 48 operate and regulate the use of a community water system or to

49 construct and maintain drains and sewers or both and which does not
50 exercise any of the other powers enumerated in section 7-326, as
51 amended by this act, may contain noncontiguous properties if the
52 properties proposed to be included are, or are to be, served by a
53 common water or sewer main. Such meeting shall be called by
54 publication of a written notice of the same, signed by the selectmen, at
55 least fourteen days before the time fixed for such meeting in two
56 successive issues of some newspaper published or circulated in such
57 town. Not later than twenty-four hours before such meeting, (1) two
58 hundred or more voters or ten per cent of the total number of voters,
59 whichever is less, may petition the selectmen in writing for a
60 referendum, or (2) the selectmen in their discretion may order a
61 referendum, on the sole question of whether the proposed district
62 should be established. Any such referendum shall be held not less than
63 seven nor more than fourteen days after the receipt of such petition or
64 the date of such order, on a day to be set by the selectmen for a vote by
65 paper ballots or by a "yes" or "no" vote on the voting machines, during
66 the hours between twelve o'clock noon and eight o'clock p.m.; except
67 that any town may, by vote of its selectmen, provide for an earlier hour
68 for opening the polls but not earlier than six o'clock a.m.,
69 notwithstanding the provisions of any special act to the contrary. If
70 two-thirds of the voters casting votes in such referendum vote in favor
71 of establishing the proposed district, the selectmen shall reconvene
72 such meeting not later than seven days after the day on which the
73 referendum is held. Upon approval of the petition for the proposed
74 district by two-thirds of the voters present at such meeting, or if a
75 referendum is held, upon the reconvening of such meeting after the
76 referendum, the voters may name the district and, upon the vote of a
77 majority of such voters, choose necessary officers therefor to hold
78 office until the first annual meeting thereof; and the district shall, upon
79 the filing of the first report required pursuant to subsection (c) of this
80 section, thereupon be a body corporate and politic and have the
81 powers, not inconsistent with the general statutes, in relation to the
82 objects for which it was established, that are necessary for the

83 accomplishment of such objects, including the power to lay and collect
84 taxes. The clerk of such district shall cause its name and a description
85 of its territorial limits and of any additions that may be made thereto to
86 be recorded in the land records of each town in which such district is
87 located.

88 Sec. 3. Section 7-325 of the general statutes is amended by adding
89 subsections (e) and (f) as follows (*Effective October 1, 2005*):

90 (NEW) (e) Any tenant in common of any freehold interest in real
91 property shall have a vote equal to the fraction of such tenant in
92 common's ownership of such interest. Any joint tenant of any freehold
93 interest in real property shall vote as if each such tenant owned an
94 equal fractional share of such real property. A corporation shall have
95 its vote cast by the chief executive officer of such corporation or such
96 officer's designee. Any entity that is not a corporation shall have its
97 vote cast by a person authorized by such entity to cast its vote. No
98 owner shall have more than one vote.

99 (NEW) (f) No holder of record of a taxable interest in real property
100 shall be precluded from participating in any district meeting or
101 referendum because of the form of entity that holds such interest,
102 whether such holder of record is (1) a corporation, partnership,
103 unincorporated association, trustee, fiduciary, guardian, conservator
104 or other form of entity, or any combination thereof, or (2) an individual
105 who holds interests jointly or in common with another individual or
106 individuals, or with any one or more of the foregoing.

107 Sec. 4. Section 7-326 of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective October 1, 2005*):

109 At such meeting, the voters may establish a district for any or all of
110 the following purposes: To extinguish fires, to light streets, to plant
111 and care for shade and ornamental trees, to construct and maintain
112 roads, sidewalks, crosswalks, drains and sewers, to appoint and
113 employ watchmen or police officers, to acquire, construct, maintain

114 and regulate the use of recreational facilities, to plan, lay out, acquire,
115 construct, reconstruct, repair, maintain, supervise and manage a flood
116 or erosion control system, to plan, lay out, acquire, construct, maintain,
117 operate and regulate the use of a community water system, to plan, lay
118 out, acquire, construct, maintain, operate and regulate the use of a
119 qualified green building and sustainable design project, to collect
120 garbage, ashes and all other refuse matter in any portion of such
121 district and provide for the disposal of such matter, to establish a
122 zoning commission and a zoning board of appeals or a planning
123 commission, or both, by adoption of chapter 124 or chapter 126,
124 excluding section 8-29, or both chapters, as the case may be, which
125 commissions or board shall be dissolved upon adoption by the town of
126 subdivision or zoning regulations by the town planning or zoning
127 commission; and to adopt building regulations, which regulations
128 shall be superseded upon adoption by the town of building
129 regulations. Any district may contract with a town, city, borough or
130 other district for carrying out any of the purposes for which such
131 district was established.

132 Sec. 5. Subsection (a) of section 7-327 of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective*
134 *October 1, 2005*):

135 (a) (1) At the meeting called for the purpose of establishing a
136 district, as provided in section 7-325, as amended by this act, the voters
137 shall, by ordinance, fix the date of the annual meeting of the voters for
138 the election of district officers and transaction of such other business as
139 may properly come before such annual meeting. At the organization
140 meeting of the district, the voters shall elect from their number a
141 president, vice president, five directors, a clerk and a treasurer to serve
142 until the first annual meeting for the election of officers and thereafter
143 such officers shall be elected annually. Not fewer than fifteen voters of
144 the district shall constitute a quorum for the transaction of business at
145 the organization meeting of the district; and if fifteen voters are not
146 present at such meeting, the selectmen may adjourn such meeting

147 from time to time, until at least fifteen voters are present. Special
 148 meetings of the district may be called on the application of ten per cent
 149 of the total number of [persons qualified to vote in the meeting of a]
 150 voters of such district or twenty of the voters of such district,
 151 whichever is less, or by the president or any three directors upon
 152 giving notice as hereinafter provided. Any special meeting called on
 153 the application of the voters shall be held within twenty-one days after
 154 receiving such application. Notice of the holding of the annual meeting
 155 and all special meetings shall be given by publication of a notice of
 156 such meetings in a newspaper having a general circulation in such
 157 district at least ten days before the day of such meetings, signed by the
 158 president or any three directors, which notice shall designate the time
 159 and place of such meetings and the business to be transacted thereat.
 160 Two hundred or more persons or ten per cent of the total number of
 161 [persons qualified to vote in the meeting of a] voters of such district,
 162 whichever is less, may petition the clerk of such district, in writing, at
 163 least twenty-four hours prior to any such meeting, requesting that any
 164 item or items on the call of such meeting be submitted to the [persons
 165 qualified to vote in such meeting] voters not less than seven nor more
 166 than fourteen days thereafter, on a day to be set by the district meeting
 167 or, if the district meeting does not set a date, by the board of directors,
 168 for a vote by paper ballots or by a "yes" or "no" vote on the voting
 169 machines, during the hours between twelve o'clock noon and eight
 170 o'clock p.m., except that any district may, by vote of its board of
 171 directors, provide for an earlier hour for opening the polls but not
 172 earlier than six o'clock a.m. The paper ballots or voting machine ballot
 173 labels, as the case may be, shall be provided by the clerk. When such a
 174 petition has been filed with the clerk, the president, after completion of
 175 other business and after reasonable discussion shall adjourn such
 176 meeting and order such vote on such item or items in accordance with
 177 the petition; and any item so voted may be rescinded in the same
 178 manner. The clerk shall phrase such item or items in a form suitable for
 179 printing on such paper ballots or ballot labels. Not fewer than fifteen
 180 voters of the district shall constitute a quorum for the transaction of

181 business at any meeting of the district; and if fifteen voters are not
182 present at such meeting, the president of the district or, in his absence,
183 the vice president may adjourn such meeting from time to time, until
184 at least fifteen voters are present; and all meetings of the district where
185 a quorum is present may be adjourned from time to time by a vote of a
186 majority of the voters voting on the question. At any annual or special
187 meeting, the voters may, by a majority vote of those present,
188 discontinue any purposes for which the district is established or
189 undertake any additional purpose or purposes enumerated in section
190 7-326, as amended by this act.

191 (2) When the territorial limits of the district include one or more
192 remediation projects, the provisions of subdivision (1) of this
193 subsection shall apply, except: (A) A quorum for the transaction of
194 business at the organization meeting of such district shall be either
195 fifteen voters of such district or a majority of the holders of record of
196 taxable interests in real property within such district, as long as the
197 assessments of such holders of record constitute more than one-half of
198 the total of assessments for all taxable interests in real property within
199 such district. If fifteen voters or a majority of the holders of record of
200 taxable interests in real property within such district are not present at
201 such meeting or the assessments of such holders of record constitute
202 less than one-half of the total of assessments for all taxable interests in
203 real property within such district, the selectmen may adjourn such
204 meeting, from time to time, until at least fifteen voters or a majority of
205 the holders of record of taxable interests in real property within such
206 district are present and the assessments of such holders of record
207 constitute more than one-half of the total of assessments for all taxable
208 interests in real property within such district; and (B) for the
209 transaction of business at any meeting of such district, a quorum shall
210 be either fifteen voters of the district or a majority of the holders of
211 record of taxable interests in real property within such district, as long
212 as the assessments for such holder of record constitute more than one-
213 half of the total of assessments for all taxable interests in real property
214 within such district. If fifteen voters or a majority of the holders of

215 record of taxable interests in real property within such district are not
 216 present at such meeting or the assessments of such holders of record
 217 constitute less than one-half of the total of assessments for all taxable
 218 interests in real property within such district, the president of the
 219 district or, in such president's absence, the vice president may adjourn
 220 such meeting, from time to time, until at least fifteen voters or a
 221 majority of the holders of record of taxable interests in real property
 222 within such district are present and the assessments of such holders of
 223 record constitute more than one-half of the total of assessments for all
 224 taxable interests in real property within such district.

225 Sec. 6. Section 7-327a of the general statutes is repealed and the
 226 following is substituted in lieu thereof (*Effective October 1, 2005*):

227 In any case in which an action for a vote by the voters of a district is
 228 to be initiated by the petition of such voters, in addition to such other
 229 requirements as the general statutes or any special act may impose,
 230 such petition shall be on a form prescribed or approved by the clerk of
 231 such district, and each page of such petition shall contain a statement,
 232 signed under penalties of false statement, by the person who circulated
 233 the same, setting forth such circulator's name and address, and stating
 234 that each person whose name appears on said page signed the same in
 235 person in the presence of such circulator, that the circulator either
 236 knows each such signer or that the signer satisfactorily identified
 237 himself to the circulator and that all the signatures on said page were
 238 obtained not earlier than six months prior to the filing of said petition.
 239 Any page of a petition which does not contain such a statement by the
 240 circulator shall be invalid. Any circulator who makes a false statement
 241 in the statement hereinbefore provided shall be subject to the penalty
 242 provided for false statement. No petition shall be valid for any action
 243 for a vote by the voters at any regular or special district meeting unless
 244 such petition shall be circulated by a [person resident] voter or a
 245 person residing or eligible to vote in such district.

246 Sec. 7. Section 7-329 of the general statutes is repealed and the

247 following is substituted in lieu thereof (*Effective October 1, 2005*):

248 Whenever the officers of such district vote to terminate its corporate
 249 existence and whenever a petition signed by ten per cent of the total
 250 [number of persons qualified to vote in the meeting] voters of such
 251 district or twenty of the voters of such district, whichever is less,
 252 applying for a special meeting to vote on the termination of the district
 253 is received by the clerk, the clerk shall call a special meeting of the
 254 voters residing or owning taxable interests in real property within such
 255 district, the notice of which shall be signed by the officers thereof, by
 256 advertising the same in the same manner as is provided in section 7-
 257 325, as amended by this act. Not later than twenty-four hours before
 258 any such meeting, two hundred or more voters or ten per cent of the
 259 total number of voters, whichever is less, may petition the clerk of the
 260 district, in writing, that a referendum on the question of whether the
 261 district should be terminated be held in the manner provided in
 262 section 7-327, as amended by this act. If, at such meeting, a two-thirds
 263 majority of the voters present vote to terminate the corporate existence
 264 of the district, or, if a referendum is held, two-thirds of the voters
 265 casting votes in such referendum vote to terminate the corporate
 266 existence of the district, the officers shall proceed to terminate the
 267 affairs of such district. The district shall pay all outstanding
 268 indebtedness and turn over the balance of the assets of such district to
 269 the town in which the district is located, if the legislative body of the
 270 town authorizes such action. No district shall be terminated under this
 271 section until all of its outstanding indebtedness is paid unless the
 272 legislative body of the town in which the district is located agrees in
 273 writing to assume such indebtedness. On completion of the duties of
 274 the officers of such district, the clerk shall cause a certificate of the vote
 275 of such meeting to be recorded in the land records of the town in
 276 which the district is located and the clerk shall notify the Secretary of
 277 the Office of Policy and Management.

278 Sec. 8. (*Effective October 1, 2005*) (a) Upon the filing of the first report
 279 and the recording on the land records required by subsection (c) of this

280 section, there shall be declared to exist within the town of East Lyme,
281 the County of New London and the state of Connecticut, the Darrow
282 Pond Infrastructure Improvement District, a body politic and
283 corporate, hereinafter referred to as the "district", and deemed to be
284 created pursuant to section 7-325 of the general statutes, as amended
285 by this act, consisting of the parcel of land shown on a map entitled
286 "Map Showing Parcels A B & C located on Mostowy Road East Lyme
287 Connecticut", and bounded and described by J. Robert Pfanner &
288 Associates, P.C..

289 (b) The purpose of the district shall be to enhance its community
290 development for the benefit of its residents, property owners, tenants
291 and their employees and the citizens of the town of East Lyme by
292 acquiring, laying, constructing, maintaining, improving and operating
293 storm drainage systems, sewers, water systems, roads, bridges,
294 culverts, tunnels, streets, sidewalks, lighting, parking, including
295 garages, parks and recreational facilities, open space in the district and
296 in the town of East Lyme, fiber optic and telecommunication systems
297 and other utility and infrastructure improvements including
298 environmental mitigation, all as herein referred to as the
299 "improvements", whether located within the district or outside the
300 district. It is hereby found and declared that said purposes are public
301 purposes and that the district will be performing an essential
302 government function in the exercise of its powers under this section.

303 (c) (1) A board of directors, hereinafter referred to as the "board",
304 consisting of five members, shall exercise the powers conferred by this
305 section. The board shall not be subject to the supervision of the town of
306 East Lyme or any board, department, commission or agency of the
307 town of East Lyme or of the state of Connecticut except to the extent
308 and in the manner provided in this section. The members of the board
309 initially shall be appointed by the first selectman of the town of East
310 Lyme, four members on the recommendation of the initial property
311 owner or owners of the district. After the town of East Lyme has
312 approved the number of residential units which may be created in the

313 district and following the conveyance of at least thirty-three per cent of
314 such residential units, the board shall call a meeting of the voters of the
315 district to elect from their number a member of the board to be
316 appointed by the first selectman to fill the vacancy of a member whose
317 term will expire on the next succeeding June thirtieth. Following the
318 conveyance of at least seventy per cent of the residential units which
319 may be created in the district, the board shall call a meeting of the
320 voters of the district to elect from their number a member of the board
321 to be appointed by the first selectman to fill the vacancy of a member
322 whose term will expire on the next succeeding June thirtieth so that
323 two members of the board will then have been elected by the voters.
324 Thereafter, after the initial property owner or owners have informed
325 the first selectman, in writing, that they will no longer make
326 recommendations as to the members of the board or the conveyance of
327 ninety per cent of the residential units which may be created in the
328 district, whichever occurs first, the members of the board shall be
329 elected at the annual meeting of the voters of the district by the voters
330 of the district from their number in accordance with the bylaws of the
331 district and the provisions of subsection (a) of section 7-327 and section
332 7-327a of the general statutes, as amended by this act, shall apply to
333 the calling of and conduct of meetings and referenda of the district. For
334 purposes of this section, "voter" means any citizen of the United States
335 of the age of eighteen years or older, who, jointly or severally, is liable
336 to the district for taxes assessed against such voter's real property of
337 not less than one thousand dollars on the last completed grand list of
338 the district.

339 (2) Of the members first appointed, two members shall serve for a
340 term expiring on June thirtieth in the year following the appointment,
341 two members shall serve for a term expiring on June thirtieth in the
342 second year following the appointment, and one member shall serve
343 for a term expiring on June thirtieth in the third year following the
344 appointment. Thereafter, successors shall be appointed or elected for a
345 three-year term, or in the case of a vacancy, the first selectman shall
346 appoint a member to fill a vacancy, for the unexpired term. Any

347 member may be eligible for reappointment. Three members of the
348 board shall constitute a quorum and the affirmative vote of three
349 members shall be necessary to exercise any of the powers enumerated
350 in section 4 of this act. No vacancy in the membership of the board
351 shall impair the right of a quorum to exercise the powers of the board.
352 Any action by the board shall take effect immediately unless otherwise
353 provided and need not be published or posted.

354 (3) The initial meeting of the board shall be not later than thirty days
355 following the appointment of the initial board. At the initial meeting,
356 the board shall adopt bylaws, fix the date for the annual meeting and
357 elect from its members a president, vice-president, treasurer and clerk
358 all of whom shall serve for like terms. The duties and responsibilities
359 of the district officers shall be as provided in subsection (b) of section
360 7-327 of the general statutes, and in the bylaws.

361 (4) Following the initial meeting of the board, the clerk of the district
362 shall file its first report with the town clerk and cause the district's
363 name and a description of the territorial limits of the district to be
364 recorded on the land records.

365 (d) The territorial limits of the district shall constitute a special
366 taxing district and shall have all the powers and obligations granted to
367 districts organized under section 7-325 of the general statutes, as
368 amended by this act, including the power to lay and collect taxes and
369 the powers and obligations granted under this section.
370 Notwithstanding the provisions of any statute, special act, local law or
371 charter, the board, acting for and on behalf of the district, shall have all
372 the rights and powers necessary or convenient to carry out and
373 effectuate the purposes of this section, including, but without limiting
374 the generality of the foregoing, the following rights and powers to:

375 (1) Adopt bylaws for the regulation of its affairs and the conduct of
376 its business, to promulgate rules, regulations and procedures in
377 connection with the performance of its functions and duties, and
378 consistent with the powers conferred by this section and with other

379 applicable provisions of the general statutes;

380 (2) Adopt an official seal and alter the same at its pleasure;

381 (3) Apply for, receive, accept, administer, expend and comply with
382 the conditions, obligations and requirements respecting any grant or
383 gift, including any grant or gift from agencies of federal, state or local
384 government, donation or appropriation of any property or money in
385 aid of the purposes of the district and to accept contributions of
386 money, property, labor or other things of value;

387 (4) Acquire by purchase, lease, lease-purchase, sale and lease-back,
388 gift or devise, and to obtain options for the acquisition of, any
389 property, real or personal, tangible or intangible, or any interest
390 therein, in the exercise of its powers and the performance of its duties,
391 provided the district may only acquire real estate or any interest
392 therein pursuant to this subsection, within the boundaries of the
393 district, except that the district may acquire real estate or any interest
394 therein outside the boundaries of the district if such acquisition is
395 necessary or convenient in the judgment of the board for the
396 acquisition, construction, maintenance and operation of the
397 improvements within the district;

398 (5) Sell, lease, mortgage, exchange, transfer or otherwise dispose of,
399 or to grant options for any such purposes with respect to, any
400 property, real or personal, tangible or intangible, or any interest
401 therein;

402 (6) Construct, improve, extend, equip, enlarge, rehabilitate,
403 maintain and repair the improvements within and for the benefit of the
404 district; to acquire existing or construct the improvements under or
405 over any roads, public ways or parking areas, and to enter upon any
406 private land within the district for the purposes of making surveys,
407 borings, soundings or examinations thereof, designing and laying out
408 the improvements and maintaining and repairing the same. All
409 applicable general statutes protecting public health, welfare and safety

410 shall be applicable;

411 (7) Grant, pledge or assign any money, fees, charges, receipts, taxes
412 or other revenues of the district and any proceeds derived by the
413 district;

414 (8) Borrow money and incur indebtedness and issue bonds or notes
415 and pledge the credit of the district for such general or special
416 purposes and to the extent as is authorized by this section;

417 (9) Enter into contracts, including, but not limited to, contracts with
418 the town of East Lyme, the state of Connecticut, cities, towns or other
419 political subdivisions, nonprofit and for profit corporations and
420 private and public utilities and be contracted with, in all matters
421 necessary, convenient or desirable for carrying out the purposes of this
422 section including, without limiting the generality of the foregoing, the
423 acquisition of existing improvements, including utilities, open space or
424 infrastructure outside the district but benefiting the district or the town
425 of East Lyme, collection of revenue, and other matters of management,
426 administration and operation; to make other contracts of every name
427 and nature; and to authenticate, execute and deliver all instruments
428 necessary or convenient for carrying out any of its purposes;

429 (10) Sue and be sued and institute, prosecute, maintain and defend
430 any action or proceeding in any court of competent jurisdiction all as
431 permitted or provided for pursuant to the general statutes or
432 Connecticut law applicable to municipalities;

433 (11) Invest any funds not required for the immediate use of the
434 district in the manner and to the extent permitted under the general
435 statutes for the investment of such funds by the treasurer of a town or
436 district;

437 (12) Employ assistants, agents, employees and persons, including
438 legal counsel, financial advisors, and other consultants and experts
439 considered necessary or convenient in the board's judgment, and to

440 define their duties and fix their compensation;

441 (13) Establish and maintain a budget system;

442 (14) Assess, levy and collect taxes for general or special purposes on
443 all property which may be lawfully taxed by a district organized
444 pursuant to section 7-325 of the general statutes, as amended by this
445 act, and as provided in this section, and regulate the mode of
446 assessment and collection of taxes and assessments not otherwise
447 provided for in amounts necessary to carry out the purposes for which
448 the district is formed as described in this section;

449 (15) Assess, levy and collect benefit assessments upon the land and
450 buildings in the district which, in its judgment, is benefited by the
451 improvements;

452 (16) Make appropriations for the purposes provided for in this
453 section and to pay its debts; and

454 (17) Do all things necessary, convenient or desirable for carrying out
455 the purposes of this section or the powers expressly granted or
456 necessarily implied in this section.

457 (e) (1) The district may fix, revise, charge, collect, abate and forgive
458 reasonable taxes, fees, rents and benefit assessments, and other charges
459 for the cost of the improvements, financing costs, operating expenses
460 and other services and commodities furnished or supplied to the real
461 property in the district in accordance with the applicable provisions of
462 the general statutes which apply to districts established under section
463 7-325 of the general statutes, as amended by this act, and this section
464 and in the manner prescribed by the district, provided if such general
465 statutes require a vote of the voters of the district, the board shall act as
466 such voters until the board is entirely elected by the voters of the
467 district. Notwithstanding any provision of the general statutes, the
468 district may pay the entire cost of any improvements, including the
469 costs of financing such improvements, capitalized interest and the

470 funding of any reserve funds necessary to secure such financing or the
471 debt service of bonds or notes issued to finance such costs, from taxes,
472 fees, rents, benefit assessments or other revenues and may assess, levy
473 and collect said taxes, fees, rents or benefit assessments concurrently
474 with the issuance of bonds, notes or other obligations to finance such
475 improvements based on the estimated cost of the improvements or the
476 completion or acquisition of the improvements. The board may
477 establish and determine the circumstances under which the taxes, fees,
478 rents, benefit assessments and other charges, may be increased, if at all,
479 as a consequence of delinquency or default by the owner of that parcel
480 or any other parcel within the district.

481 (2) The assessor or assessors of the town of East Lyme shall separate
482 the property within the district from the other property in the town
483 and shall annually furnish the clerk of the district with a copy of the
484 grand list of all property in the district after it has been completed by
485 the board of assessment appeals of the town. If the legislative body of
486 the town elects, pursuant to section 12-62a or 12-62c of the general
487 statutes, to defer all or any part of the amount of the increase in the
488 assessed value of real property in the year a revaluation becomes
489 effective and in any succeeding year in which such deferment is
490 allowed, the grand list furnished to the clerk of the district for each
491 such year shall reflect assessments based upon such deferment. When
492 the district has fixed the tax rate, the clerk shall prepare a rate bill,
493 apportioning to each owner of property such owner's proportionate
494 share of the taxes, which rate bill, when prepared, shall be delivered to
495 the treasurer; and the district and the treasurer of said district shall
496 have the same power as towns and collectors of taxes to collect and
497 enforce payment of such taxes, and such taxes when laid shall be a lien
498 upon the property in the same manner as town taxes. The assessor or
499 board of assessment appeals shall promptly forward to the clerk of the
500 district any certificate of correction or notice of any other lawful
501 change to the grand list of the district. The district clerk shall, not later
502 than ten days after receipt of any such certificate or notice, forward a
503 copy thereof to the treasurer, and the assessment of the property for

504 which such certificate or notice was issued and the rate bill relating
505 thereto shall be corrected accordingly.

506 (3) Notwithstanding any provision of the general statutes, whenever
507 the district constructs, improves, extends, equips, rehabilitates, repairs,
508 acquires or provides a grant for any improvements or finances, the cost
509 of such improvements, such proportion of the cost or estimated cost of
510 the improvements and financing thereof as determined by the district,
511 may be assessed by the district, herein referred to as "benefit
512 assessments", in the manner prescribed by such district, upon the
513 property benefited by such improvements and the balance of such
514 costs shall be paid from the general funds of the district. The district
515 may provide for the payment of such benefit assessments in annual
516 installments, not exceeding thirty and may forgive such benefit
517 assessments in any single year without causing the remainder of
518 installments of benefit assessments to be forgiven. Benefit assessments
519 to buildings or structures constructed or expanded after the initial
520 benefit assessment may be assessed as if the new or expanded
521 buildings or structures had existed at the time of the original benefit
522 assessment. It is hereby determined that the provision of open space
523 whether within the district or in the town of East Lyme is a benefit to
524 all the property in the district.

525 (4) In order to provide for the collection and enforcement of its
526 taxes, fees, rents, benefit assessments and other charges, the district is
527 hereby granted all the powers and privileges with respect thereto as
528 districts organized pursuant to section 7-325 of the general statutes, as
529 amended by this act, and as held by the town of East Lyme or as
530 otherwise provided in this section. Such taxes, fees, rents or benefit
531 assessments, if not paid when due, shall constitute a lien upon the
532 premises served and a charge against the owners thereof, which lien
533 and charge shall bear interest at the same rate as delinquent property
534 taxes. Each such lien may be continued, recorded and released in the
535 manner provided for property tax liens and shall take precedence over
536 all other liens or encumbrances except a lien for taxes of the town of

537 East Lyme. Each such lien may be continued, recorded and released in
538 the manner provided for property tax liens.

539 (5) All moneys received by the board on behalf of the district shall
540 be paid to the treasurer. After such time as the board is entirely elected
541 by the voters of the district, no contract or obligation which involves
542 an expenditure in the amount of (A) ten thousand dollars or more
543 where the grand list is less than or equal to twenty million dollars, or
544 (B) twenty thousand dollars or more where the grand list is greater
545 than twenty million dollars, in any one year shall be made by the
546 board, unless the same is specially authorized by a vote of the district.

547 (6) The budget, taxes, fees, rents, benefit assessments and any other
548 charges of the district of general application shall be adopted and
549 revised by the board at least annually no more than thirty days before
550 the beginning of the fiscal year in accordance with the procedures to be
551 established by the board and at a meeting called by the board assuring
552 that interested persons are afforded notice and an opportunity to be
553 heard. The board shall hold at least one public hearing on its schedule
554 of fees, rates, rents, benefit assessments and other charges or any
555 revision thereof before adoption, notice of which shall be delivered to
556 the first selectman of the town of East Lyme and be published in a
557 newspaper of general circulation in the town of East Lyme at least ten
558 days in advance of the hearing. No later than the date of the
559 publication, the board shall make available to the public and deliver to
560 the first selectman of the town of East Lyme the proposed schedule of
561 fees, rates, rents, benefit assessments and other charges. The
562 procedures regarding public hearing and appeal provided by section
563 7-250 of the general statutes, shall apply for all benefit assessments
564 made by the district except that the board shall be substituted for the
565 water pollution control authority. Should the benefit assessments be
566 assessed and levied prior to the acquisition or construction of the
567 improvements, then the amount of the benefit assessments shall be
568 adjusted to reflect the actual cost of the improvements including all
569 financing costs once the improvements have been completed should

570 the actual cost be greater than or less than the estimated costs. Benefit
571 assessments shall be due and payable at such times as is fixed by the
572 board, provided the district shall give notice of such due date not less
573 than thirty days prior to such due date by publication in a newspaper
574 of general circulation in the town of East Lyme and by mailing such
575 notice to the owners of the property assessed at their last-known
576 address.

577 (7) The taxes, fees, rents, benefit assessments and other charges
578 established by the board in accordance with this section shall be fixed
579 and adjusted with respect to the aggregate thereof, so as to provide
580 revenues at least sufficient (A) to pay the current expenses of the
581 district, (B) to pay the principal of premium, if any, and interest on
582 bonds, notes or other evidences of indebtedness issued by the district
583 under this section as the same becomes due and payable, (C) to create
584 and maintain such reasonable reserves as may be reasonably required
585 by any trust agreement or resolution securing bonds, (D) to provide
586 funds for paying the cost of necessary repairs, replacements and
587 renewals of the improvements and the infrastructure system or
588 systems of the district; and (E) to pay or provide for any amounts that
589 the board may be obligated to pay or provide for by law or contract,
590 including any resolution or contract with or for the benefit of the
591 holders of its bonds and notes.

592 (f) (1) Whenever the district has authorized the acquisition or
593 construction of the improvements or has made an appropriation
594 therefore, the district may authorize the issuance of up to thirty million
595 dollars of bonds, notes or other obligations to finance the cost of the
596 improvements, the creation and maintenance of reserves required to
597 sell the bonds, notes or obligations and the cost of issuance of the
598 bonds, notes or obligations. The bonds, notes or other obligations may
599 be secured as to both principal or interest by (A) the full faith and
600 credit of the district, (B) fees, revenues or benefit assessments, or (C) a
601 combination of subparagraphs (A) and (B) of this subdivision. Such
602 bonds, notes or obligations shall be authorized by resolution of the

603 board. The district is authorized to secure such bonds by the full faith
604 and credit of the district or by a pledge of or lien on all or part of its
605 revenues, fees or benefit assessments. The bonds of each issue shall be
606 dated, shall bear interest at the rates and shall mature at the time or
607 times not exceeding thirty years from their date or dates, as
608 determined by the board, and may be redeemable before maturity, at
609 the option of the board, at the price or prices and under the terms and
610 conditions fixed by the board before the issuance of the bonds. The
611 board shall determine the form of the bonds, and the manner of
612 execution of the bonds, and shall fix the denomination of the bonds
613 and the place or places of payment of principal and interest, which
614 may be at any bank or trust company within the state of Connecticut
615 and other locations as designated by the board. In case any officer
616 whose signature or a facsimile of whose signature shall appear on any
617 bonds or coupons shall cease to be an officer before the delivery of the
618 bonds, the signature or facsimile shall nevertheless be valid and
619 sufficient for all purposes the same as if the officer had remained in
620 office until the delivery. The bonds shall be issued in registered form.
621 The district may sell the bonds in a manner and for a price, either at
622 public or private sale, as it may determine to be for the best interests of
623 the district.

624 (2) The board is hereby authorized and may provide by resolution
625 for the issuance of refunding bonds of the district for the purpose of
626 refunding any bonds then outstanding and issued under the
627 provisions of this section, including the payment of any redemption
628 premium thereon on any interest accrued or to accrue to the date of
629 redemption of the bonds and the cost of issuance of such bonds.

630 (3) While any bonds or notes issued by the district remain
631 outstanding, the powers, duties or existence of the district shall not be
632 diminished or impaired in any way that will affect adversely the
633 interests and rights of the holders of the bonds or notes. Bonds or notes
634 issued under this section, unless otherwise authorized by law, shall not
635 be considered to constitute a debt of the state of Connecticut or the

636 town of East Lyme, or a pledge of the faith and credit of the state of
637 Connecticut or of the town of East Lyme, but the bonds or notes shall
638 be payable solely by the district or as special obligations payable from
639 particular district revenues. Any bonds or notes issued by the district
640 shall contain on their face a statement to the effect that neither the state
641 of Connecticut nor the town of East Lyme shall be obliged to pay the
642 principal of or the interest thereon, and that neither the faith and credit
643 nor taxing power of the state of Connecticut or of the town of East
644 Lyme is pledged to the payment of the bonds or notes. All bonds or
645 notes issued under this section shall have and are hereby declared to
646 have all the qualities and incidents of negotiable instruments, as
647 defined in section 42a-3-104 of the general statutes.

648 (g) (1) The board may authorize that the bonds be secured by a trust
649 agreement by and between the district and a corporate trustee, which
650 may be any trust company or bank having the powers of a trust
651 company within the state of Connecticut. The trust agreement may
652 pledge or assign the revenues. Either the resolution providing for the
653 issuance of bonds or the trust agreement may contain provisions for
654 protecting and enforcing the rights and remedies of the bondholders as
655 may be reasonable and proper and not in violation of law, including
656 without limiting the generality of the foregoing provisions defining
657 defaults and providing for remedies in the event thereof, which may
658 include the acceleration of maturities, and covenants setting forth the
659 duties of and limitations on the district in relation to the acquisition,
660 construction, improvement, enlargement, alteration, equipping,
661 furnishing, maintenance, operation, rehabilitation, demolition, repair,
662 insurance and disposition of property, the custody, safeguarding,
663 investment and application of moneys, the use of any surplus bond or
664 note proceeds and the establishment of reserves. The resolution or
665 trust agreement may also contain covenants by the board in relation to,
666 among other things: (A) The establishment, revision and collection of
667 fees, rates, assessments, rents and charges for services of facilities
668 furnished or supplied by the district as shall provide revenues
669 sufficient with other revenues of the district, if any, to pay (i) the cost

670 of maintaining, repairing and operating the district utilities and
671 infrastructure and of making renewals and replacements in connection
672 therewith, (ii) the principal of and the interest on the bonds or notes as
673 the same shall become due and payable, (iii) payments in lieu of taxes
674 and benefit assessments, and (iv) reserves; (B) the purpose for which
675 the proceeds of the sale of the bonds or notes will be applied and the
676 use and disposition thereof; (C) the use and disposition of the gross
677 revenues of the district from the district utilities and infrastructure,
678 any additions thereto and extensions and improvements thereof,
679 including the creation and maintenance of funds for working capital
680 and for renewals and replacements to the district utilities and
681 infrastructure; (D) the amount, if any, of additional bonds or notes
682 payable from the revenues of the district and the limitations, terms and
683 conditions on which the additional bonds or notes may be issued; and
684 (E) the operation, maintenance, management, accounting and auditing
685 of the utilities and district infrastructure and of the income and
686 revenues of the district.

687 (2) It shall be lawful for any bank or trust company incorporated
688 under the laws of the state of Connecticut to act as depository of the
689 proceeds of the bonds or of revenues, and to furnish such
690 indemnifying bonds or to pledge securities as required by the board.
691 The trust agreement may set forth the rights and remedies of the
692 bondholders and of the trustees, and may restrict the individual right
693 of action by bondholders as is customary in trust agreements or trust
694 indentures securing bonds and debentures. In addition to the
695 foregoing, the trust agreement may contain other provisions, as the
696 board considers reasonable and proper for the security of the
697 bondholders. All expenses incurred in carrying out the trust agreement
698 may be treated as a part of the cost of the operation of the district. The
699 pledge by any trust agreement or resolution shall be valid and binding
700 from time to time when the pledge is made; the revenues or other
701 moneys so pledged and then held or thereafter received by the board
702 shall immediately be subject to the lien of the pledge without any
703 physical delivery thereof or further act; and the lien of the pledge shall

704 be valid and binding as against all parties having claims of any kind in
705 tort, contract or otherwise against the board, irrespective of whether
706 the parties have notice thereof. Notwithstanding any provision of the
707 Uniform Commercial Code, neither this subsection, the resolution nor
708 any trust agreement by which a pledge is created need be filed or
709 recorded except in the records of the board, and no filing need be
710 made under section 42a-3-106 of the general statutes.

711 (h) The board is hereby authorized and may provide by resolution
712 for the issuance from time to time, of notes of the district in
713 anticipation of grants for the cost of the improvements or in
714 anticipation of bonds to be issued pursuant to this section. The notes
715 shall be authorized, issued, sold and secured in the same manner as
716 bonds, and shall otherwise be subject to this section. The notes shall
717 mature at the time or times as provided by the resolution of the board
718 and may be renewed from time to time; but the notes and renewals
719 thereof shall mature on or before five years from their date of issuance.

720 (i) In addition to other security provided in this subsection, or
721 otherwise by law, bonds, notes or obligations issued by the district
722 under this section may be secured, in whole or in part, by a letter of
723 credit, bond insurance policy, liquidity facility or other credit facility
724 for the purpose of providing funds for payments in respect of bonds,
725 notes or other obligations required by the holder thereof to be
726 redeemed or repurchased prior to maturity or for providing additional
727 security for the bonds, notes or other obligations. In connection
728 therewith, the district may enter into reimbursement agreements,
729 remarketing agreements, standby bond purchase agreements and any
730 other necessary or appropriate agreements. The board may pledge or
731 assign any of its revenues as security for the reimbursement by the
732 district to the issuers or providers of the letters of credit, bond
733 insurance policies, liquidity facilities or other credit facilities of any
734 payments made under the letters of credit, bond insurance policies,
735 liquidity facilities or other credit facilities.

736 (j) The district shall have the power out of any funds available
737 therefor to purchase its bonds or notes. The district may hold, pledge,
738 cancel or resell the bonds or notes, subject to and in accordance with
739 agreements with bondholders.

740 (k) All moneys received pursuant to this section, whether as
741 proceeds from the issue of bonds or notes, or as revenue or otherwise,
742 shall be considered trust funds to be held and applied solely as
743 provided in this section.

744 (l) Bonds or notes issued under this section are hereby made
745 securities in which all public officers and public bodies of the state of
746 Connecticut and its political subdivisions, all insurance companies,
747 trust companies, banking associations, investment companies,
748 executors, administrators, trustees and other fiduciaries may properly
749 and legally invest funds, including capital in their control and
750 belonging to them; and such bonds shall be securities which may
751 properly and legally be deposited with and received by any state or
752 municipal officer or any agency or political subdivision of the state of
753 Connecticut for any purpose for which the deposit of bonds or notes of
754 the state of Connecticut is now or may hereafter be authorized by law.

755 (m) Any holder of bonds or notes issued under this section, and a
756 trustee, except to the extent the rights herein given may be restricted
757 by the trust agreement, may, either at law or in equity, by suit, action,
758 mandamus or other proceeding, protect and enforce all rights under
759 the laws of the state of Connecticut or granted hereunder or under the
760 trust agreement, and may enforce and compel the performance of all
761 duties required by this section or by the trust agreement, to be
762 performed by the district or by any officer thereof.

763 (n) Bonds or notes may be issued under this section without
764 obtaining the consent of any department, division, commission, board,
765 bureau or agency of the state of Connecticut or the town of East Lyme,
766 and without any proceedings or the happening of any other conditions
767 or things than those proceedings, conditions or things that are

768 specifically required thereof by this section, and the validity of and
769 security for any bonds or notes issued by the district shall not be
770 affected by the existence or nonexistence of the consent or other
771 proceeding conditions, or things.

772 (o) The district and all its receipts, revenues, income and real and
773 personal property shall be exempt from taxation and benefit
774 assessments and the district shall not be required to pay any tax, excise
775 or assessment to or from the state of Connecticut or any of its political
776 subdivisions. The principal and interest on bonds or notes issued by
777 the district shall be free from taxation at all times, except for estate and
778 gift, franchise and excise taxes, imposed by the state of Connecticut or
779 any political subdivision thereof, provided nothing in this section shall
780 act to limit or restrict the ability of the state of Connecticut or the town
781 of East Lyme to tax the individuals and companies, or their real or
782 personal property or any person living or business operating within
783 the boundaries of the district.

784 (p) The board shall at all times keep accounts of its receipts,
785 expenditures, disbursements, assets and liabilities, which shall be open
786 to inspection by a duly appointed officer or duly appointed agent or
787 the state of Connecticut or the town of East Lyme. The fiscal year of the
788 district shall begin on July first and end on the following June thirtieth
789 or as otherwise established by section 7-327 of the general statutes, as
790 amended by this act. The district shall be subject to an audit of its
791 accounts in the manner provided in the general statutes.

792 (q) The district may make representations and agreements for the
793 benefit of the holders of the district's bonds and notes or other
794 obligations to provide secondary market disclosure information. The
795 board or an officer authorized by the board may make the
796 representations and agreements on behalf of the district or may
797 delegate the authority to any other officer or employee of the district.
798 The agreement may include (1) covenants to provide secondary market
799 disclosure information, (2) arrangements for such information to be

800 provided with the assistance of a paying agent, trustee, dissemination
801 or other agent, and (3) remedies for breach of such agreements, which
802 remedies may be limited to specific performance.

803 (r) (1) This section shall be deemed to provide an additional,
804 alternative and complete method of accomplishing the purposes of this
805 section and exercising the powers authorized hereby and shall be
806 deemed and construed to be supplemental and additional to, and not
807 in derogation of, powers conferred upon the board by law and
808 particularly by sections 7-324 to 7-329, inclusive, of the general
809 statutes, as amended by this act, provided insofar as the proceedings of
810 this section are inconsistent with any general statutes or special act,
811 administrative order or regulation, or any resolution or ordinance of
812 the town of East Lyme, this section shall be controlling. Without
813 limiting the generality of the foregoing, no resolution or ordinance of
814 the town of East Lyme requiring ratification by the board of selectmen
815 or the voters of the town of East Lyme of certain bond issues shall
816 apply to the issuance of bonds or notes of the district pursuant to this
817 section.

818 (2) Except as specifically provided in this section, all other statutes,
819 ordinances, resolutions, rules and regulations of the state of
820 Connecticut and the town of East Lyme shall be applicable to the
821 property, residents and businesses located in the district. Nothing in
822 this section shall in any way obligate the town of East Lyme to pay any
823 costs for the acquisition, construction, equipping or operation and
824 administration of the improvements located within the district except
825 as may be agreed to in any intermunicipal agreements executed by the
826 town of East Lyme and the district.

827 (s) At the option of the town of East Lyme by vote of the board of
828 selectmen, the district shall be merged into the town of East Lyme after
829 the bonds, notes or other obligations authorized by this section are no
830 longer outstanding and any property which is owned by the district
831 shall be distributed to the town of East Lyme.

832 (t) This section being necessary for the welfare of the town of East
833 Lyme and its inhabitants shall be liberally construed to affect the
834 purposes hereof.

835 Sec. 9. (*Effective October 1, 2005*) (a) Upon the filing of the first report
836 and the recording on the land records required by subsection (c) of this
837 section, there shall be declared to exist within the town of New
838 Milford, the County of Litchfield and the state of Connecticut, the
839 Dunham Farm Infrastructure Improvement District, a body politic and
840 corporate, hereinafter referred to as the "district", and deemed to be
841 created pursuant to section 7-325 of the general statutes, as amended
842 by this act, consisting of the parcel of land of 163.848 acres, 7,137,200
843 square feet, more or less as shown and designated on a certain map
844 entitled "Map Prepared for Carl M. Dunham, Jr., Candlewood
845 Mountain Road, New Milford, Connecticut May 4, 2004, 1"=200'" and
846 bounded and described by C. James Osborne, Jr., L.S.

847 (b) The purpose of the district shall be to enhance its community
848 development for the benefit of its residents, property owners, tenants
849 and their employees and the citizens of the town of New Milford by
850 acquiring, laying, constructing, maintaining, improving and operating
851 storm drainage systems, sewers, water systems, roads, bridges,
852 culverts, tunnels, streets, sidewalks, lighting, parking, including
853 garages, parks and recreational facilities, open space in the district and
854 in the town of New Milford, fiber optic and telecommunication
855 systems and other utility and infrastructure improvements including
856 environmental mitigation, all as herein referred to as the
857 "improvements", whether located within the district or outside the
858 district. It is hereby found and declared that said purposes are public
859 purposes and that the district will be performing an essential
860 government function in the exercise of its powers under this section.

861 (c) (1) A board of directors, hereinafter referred to as the "board",
862 consisting of five members, shall exercise the powers conferred by this
863 section. The board shall not be subject to the supervision of the town of

864 New Milford or any board, department, commission or agency of the
865 town of New Milford or of the state of Connecticut except to the extent
866 and in the manner provided in this section. The members of the board
867 initially shall be appointed by the mayor of the town of New Milford,
868 four members on the recommendation of the initial property owner or
869 owners of the district. After the town of New Milford has approved the
870 number of residential units which may be created in the district and
871 following the conveyance of at least thirty-three per cent of such
872 residential units, the board shall call a meeting of the voters of the
873 district to elect from their number a member of the board to be
874 appointed by the mayor to fill the vacancy of a member whose term
875 will expire on the next succeeding June thirtieth. Following the
876 conveyance of at least seventy per cent of the residential units which
877 may be created in the district, the board shall call a meeting of the
878 voters of the district to elect from their number a member of the board
879 to be appointed by the mayor to fill the vacancy of a member whose
880 term will expire on the next succeeding June thirtieth so that two
881 members of the board will then have been elected by the voters.
882 Thereafter, after the initial property owner or owners have informed
883 the mayor, in writing, that they will no longer make recommendations
884 as to the members of the board or the conveyance of ninety per cent of
885 the residential units which may be created in the district, whichever
886 occurs first, the members of the board shall be elected at the annual
887 meeting of the voters of the district by the voters of the district from
888 their number in accordance with the bylaws of the district and the
889 provisions of subsection (a) of section 7-327 and section 7-327a of the
890 general statutes, as amended by this act, shall apply to the calling of
891 and conduct of meetings and referenda of the district. For purposes of
892 this section, "voter" means any citizen of the United States of the age of
893 eighteen years or older, who, jointly or severally, is liable to the district
894 for taxes assessed against such voter's real property of not less than
895 one thousand dollars on the last completed grand list of the district.

896 (2) Of the members first appointed, two members shall serve for a
897 term expiring on June thirtieth in the year following the appointment,

898 two members shall serve for a term expiring on June thirtieth in the
899 second year following the appointment, and one member shall serve
900 for a term expiring on June thirtieth in the third year following the
901 appointment. Thereafter, successors shall be appointed or elected for a
902 three-year term, or in the case of a vacancy, the mayor shall appoint a
903 member to fill a vacancy, for the unexpired term. Any member may be
904 eligible for reappointment. Three members of the board shall
905 constitute a quorum and the affirmative vote of three members shall be
906 necessary to exercise any of the powers enumerated in subsection (d)
907 of this section. No vacancy in the membership of the board shall
908 impair the right of a quorum to exercise the powers of the board. Any
909 action by the board shall take effect immediately unless otherwise
910 provided and need not be published or posted.

911 (3) The initial meeting of the board shall be not later than thirty days
912 following the appointment of the initial board. At the initial meeting,
913 the board shall adopt bylaws, fix the date for the annual meeting and
914 elect from its members a president, vice-president, treasurer and clerk
915 all of whom shall serve for like terms. The duties and responsibilities
916 of the district officers shall be as provided in subsection (b) of section
917 7-327 of the general statutes, and in the bylaws.

918 (4) Following the initial meeting of the board, the clerk of the district
919 shall file its first report with the town clerk and cause the district's
920 name and a description of the territorial limits of the district to be
921 recorded on the land records.

922 (d) The territorial limits of the district shall constitute a special
923 taxing district and shall have all the powers and obligations granted to
924 districts organized under section 7-325 of the general statutes, as
925 amended by this act, including the power to lay and collect taxes and
926 the powers and obligations granted under this section.
927 Notwithstanding the provisions of any statute, special act, local law or
928 charter, the board, acting for and on behalf of the district, shall have all
929 the rights and powers necessary or convenient to carry out and

930 effectuate the purposes of this section, including, but without limiting
931 the generality of the foregoing, the following rights and powers to:

932 (1) Adopt bylaws for the regulation of its affairs and the conduct of
933 its business, to promulgate rules, regulations and procedures in
934 connection with the performance of its functions and duties, and
935 consistent with the powers conferred by this section and with other
936 applicable provisions of the general statutes;

937 (2) Adopt an official seal and alter the same at its pleasure;

938 (3) Apply for, receive, accept, administer, expend and comply with
939 the conditions, obligations and requirements respecting any grant or
940 gift, including any grant or gift from agencies of federal, state or local
941 government, donation or appropriation of any property or money in
942 aid of the purposes of the district and to accept contributions of
943 money, property, labor or other things of value;

944 (4) Acquire by purchase, lease, lease-purchase, sale and lease-back,
945 gift or devise, and to obtain options for the acquisition of, any
946 property, real or personal, tangible or intangible, or any interest
947 therein, in the exercise of its powers and the performance of its duties,
948 provided the district may only acquire real estate or any interest
949 therein pursuant to this subdivision, within the boundaries of the
950 district, except that the district may acquire real estate or any interest
951 therein outside the boundaries of the district if such acquisition is
952 necessary or convenient in the judgment of the board for the
953 acquisition, construction, maintenance and operation of the
954 improvements within the district;

955 (5) Sell, lease, mortgage, exchange, transfer or otherwise dispose of,
956 or to grant options for any such purposes with respect to, any
957 property, real or personal, tangible or intangible, or any interest
958 therein;

959 (6) Construct, improve, extend, equip, enlarge, rehabilitate,

960 maintain and repair the improvements within and for the benefit of the
961 district; to acquire existing or construct the improvements under or
962 over any roads, public ways or parking areas, and to enter upon any
963 private land within the district for the purposes of making surveys,
964 borings, soundings or examinations thereof, designing and laying out
965 the improvements and maintaining and repairing the same. All
966 applicable general statutes protecting public health, welfare and safety
967 shall be applicable;

968 (7) Grant, pledge or assign any money, fees, charges, receipts, taxes
969 or other revenues of the district and any proceeds derived by the
970 district;

971 (8) Borrow money and incur indebtedness and issue bonds or notes
972 and pledge the credit of the district for such general or special
973 purposes and to the extent as is authorized by this section;

974 (9) Enter into contracts, including, but not limited to, contracts with
975 the town of New Milford, the state of Connecticut, cities, towns or
976 other political subdivisions, nonprofit and for profit corporations and
977 private and public utilities and be contracted with, in all matters
978 necessary, convenient or desirable for carrying out the purposes of this
979 section including, without limiting the generality of the foregoing, the
980 acquisition of existing improvements, including utilities, open space or
981 infrastructure outside the district but benefiting the district or the town
982 of New Milford, collection of revenue, and other matters of
983 management, administration and operation; to make other contracts of
984 every name and nature; and to authenticate, execute and deliver all
985 instruments necessary or convenient for carrying out any of its
986 purposes;

987 (10) Sue and be sued and institute, prosecute, maintain and defend
988 any action or proceeding in any court of competent jurisdiction all as
989 permitted or provided for pursuant to the general statutes or
990 Connecticut law applicable to municipalities;

991 (11) Invest any funds not required for the immediate use of the
992 district in the manner and to the extent permitted under the general
993 statutes for the investment of such funds by the treasurer of a town or
994 district;

995 (12) Employ assistants, agents, employees and persons, including
996 legal counsel, financial advisors, and other consultants and experts
997 considered necessary or convenient in the board's judgment, and to
998 define their duties and fix their compensation;

999 (13) Establish and maintain a budget system;

1000 (14) Assess, levy and collect taxes for general or special purposes on
1001 all property which may be lawfully taxed by a district organized
1002 pursuant to section 7-325 of the general statutes, as amended by this
1003 act, and as provided in this section, and regulate the mode of
1004 assessment and collection of taxes and assessments not otherwise
1005 provided for in amounts necessary to carry out the purposes for which
1006 the district is formed as described in this section;

1007 (15) Assess, levy and collect benefit assessments upon the land and
1008 buildings in the district which, in its judgment, is benefited by the
1009 improvements;

1010 (16) Make appropriations for the purposes provided for in this
1011 section and to pay its debts;

1012 (17) Do all things necessary, convenient or desirable for carrying out
1013 the purposes of this section or the powers expressly granted or
1014 necessarily implied in this section.

1015 (e) (1) The district may fix, revise, charge, collect, abate and forgive
1016 reasonable taxes, fees, rents and benefit assessments, and other charges
1017 for the cost of the improvements, financing costs, operating expenses
1018 and other services and commodities furnished or supplied to the real
1019 property in the district in accordance with the applicable provisions of
1020 the general statutes which apply to districts established under section

1021 7-325 of the general statutes, as amended by this act, and this section
1022 and in the manner prescribed by the district, provided if such general
1023 statutes require a vote of the voters of the district, the board shall act as
1024 such voters until the board is entirely elected by the voters of the
1025 district. Notwithstanding any provision of the general statutes, the
1026 district may pay the entire cost of any improvements, including the
1027 costs of financing such improvements, capitalized interest and the
1028 funding of any reserve funds necessary to secure such financing or the
1029 debt service of bonds or notes issued to finance such costs, from taxes,
1030 fees, rents, benefit assessments or other revenues and may assess, levy
1031 and collect said taxes, fees, rents or benefit assessments concurrently
1032 with the issuance of bonds, notes or other obligations to finance such
1033 improvements based on the estimated cost of the improvements or the
1034 completion or acquisition of the improvements. The board may
1035 establish and determine the circumstances under which the taxes, fees,
1036 rents, benefit assessments and other charges, may be increased, if at all,
1037 as a consequence of delinquency or default by the owner of that parcel
1038 or any other parcel within the district.

1039 (2) The assessor or assessors of the town of New Milford shall
1040 separate the property within the district from the other property in the
1041 town and shall annually furnish the clerk of the district with a copy of
1042 the grand list of all property in the district after it has been completed
1043 by the board of assessment appeals of the town. If the legislative body
1044 of the town elects, pursuant to section 12-62a or 12-62c of the general
1045 statutes, to defer all or any part of the amount of the increase in the
1046 assessed value of real property in the year a revaluation becomes
1047 effective and in any succeeding year in which such deferment is
1048 allowed, the grand list furnished to the clerk of the district for each
1049 such year shall reflect assessments based upon such deferment. When
1050 the district has fixed the tax rate, the clerk shall prepare a rate bill,
1051 apportioning to each owner of property such owner's proportionate
1052 share of the taxes, which rate bill, when prepared, shall be delivered to
1053 the treasurer; and the district and the treasurer of said district shall
1054 have the same power as towns and collectors of taxes to collect and

1055 enforce payment of such taxes, and such taxes when laid shall be a lien
1056 upon the property in the same manner as town taxes. The assessor or
1057 board of assessment appeals shall promptly forward to the clerk of the
1058 district any certificate of correction or notice of any other lawful
1059 change to the grand list of the district. The district clerk shall, not later
1060 than ten days after receipt of any such certificate or notice, forward a
1061 copy thereof to the treasurer, and the assessment of the property for
1062 which such certificate or notice was issued and the rate bill relating
1063 thereto shall be corrected accordingly.

1064 (3) Notwithstanding any provision of the general statutes, whenever
1065 the district constructs, improves, extends, equips, rehabilitates, repairs,
1066 acquires or provides a grant for any improvements or finances, the cost
1067 of such improvements, such proportion of the cost or estimated cost of
1068 the improvements and financing thereof as determined by the district,
1069 may be assessed by the district, herein referred to as "benefit
1070 assessments", in the manner prescribed by such district, upon the
1071 property benefited by such improvements and the balance of such
1072 costs shall be paid from the general funds of the district. The district
1073 may provide for the payment of such benefit assessments in annual
1074 installments, not exceeding thirty and may forgive such benefit
1075 assessments in any single year without causing the remainder of
1076 installments of benefit assessments to be forgiven. Benefit assessments
1077 to buildings or structures constructed or expanded after the initial
1078 benefit assessment may be assessed as if the new or expanded
1079 buildings or structures had existed at the time of the original benefit
1080 assessment. It is hereby determined that the provision of open space
1081 whether within the district or in the town of New Milford is a benefit
1082 to all the property in the district.

1083 (4) In order to provide for the collection and enforcement of its
1084 taxes, fees, rents, benefit assessments and other charges, the district is
1085 hereby granted all the powers and privileges with respect thereto as
1086 districts organized pursuant to section 7-325 of the general statutes, as
1087 amended by this act, and as held by the town of New Milford or as

1088 otherwise provided in this section. Such taxes, fees, rents or benefit
1089 assessments, if not paid when due, shall constitute a lien upon the
1090 premises served and a charge against the owners thereof, which lien
1091 and charge shall bear interest at the same rate as delinquent property
1092 taxes. Each such lien may be continued, recorded and released in the
1093 manner provided for property tax liens and shall take precedence over
1094 all other liens or encumbrances except a lien for taxes of the town of
1095 New Milford. Each such lien may be continued, recorded and released
1096 in the manner provided for property tax liens.

1097 (5) All moneys received by the board on behalf of the district shall
1098 be paid to the treasurer. After such time as the board is entirely elected
1099 by the voters of the district, no contract or obligation which involves
1100 an expenditure in the amount of (A) ten thousand dollars or more
1101 where the grand list is less than or equal to twenty million dollars, or
1102 (B) twenty thousand dollars or more where the grand list is greater
1103 than twenty million dollars, in any one year shall be made by the
1104 board, unless the same is specially authorized by a vote of the district.

1105 (6) The budget, taxes, fees, rents, benefit assessments and any other
1106 charges of the district of general application shall be adopted and
1107 revised by the board at least annually no more than thirty days before
1108 the beginning of the fiscal year in accordance with the procedures to be
1109 established by the board and at a meeting called by the board assuring
1110 that interested persons are afforded notice and an opportunity to be
1111 heard. The board shall hold at least one public hearing on its schedule
1112 of fees, rates, rents, benefit assessments and other charges or any
1113 revision thereof before adoption, notice of which shall be delivered to
1114 the mayor and town council of the town of New Milford and be
1115 published in a newspaper of general circulation in the town of New
1116 Milford at least ten days in advance of the hearing. No later than the
1117 date of the publication, the board shall make available to the public
1118 and deliver to the mayor and the council of the town of New Milford
1119 the proposed schedule of fees, rates, rents, benefit assessments and
1120 other charges. The procedures regarding public hearing and appeal

1121 provided by section 7-250 of the general statutes, shall apply for all
1122 benefit assessments made by the district except that the board shall be
1123 substituted for the water pollution control authority. Should the
1124 benefit assessments be assessed and levied prior to the acquisition or
1125 construction of the improvements, then the amount of the benefit
1126 assessments shall be adjusted to reflect the actual cost of the
1127 improvements including all financing costs once the improvements
1128 have been completed should the actual cost be greater than or less than
1129 the estimated costs. Benefit assessments shall be due and payable at
1130 such times as is fixed by the board, provided the district shall give
1131 notice of such due date not less than thirty days prior to such due date
1132 by publication in a newspaper of general circulation in the town of
1133 New Milford and by mailing such notice to the owners of the property
1134 assessed at their last-known address.

1135 (7) The taxes, fees, rents, benefit assessments and other charges
1136 established by the board in accordance with this section shall be fixed
1137 and adjusted with respect to the aggregate thereof so as to provide
1138 revenues at least sufficient (A) to pay the current expenses of the
1139 district, (B) to pay the principal of premium, if any, and interest on
1140 bonds, notes or other evidences of indebtedness issued by the district
1141 under this section as the same becomes due and payable, (C) to create
1142 and maintain such reasonable reserves as may be reasonably required
1143 by any trust agreement or resolution securing bonds, (D) to provide
1144 funds for paying the cost of necessary repairs, replacements and
1145 renewals of the improvements and the infrastructure system or
1146 systems of the district; and (E) to pay or provide for any amounts that
1147 the board may be obligated to pay or provide for by law or contract,
1148 including any resolution or contract with or for the benefit of the
1149 holders of its bonds and notes.

1150 (f) (1) Whenever the district has authorized the acquisition or
1151 construction of the improvements or has made an appropriation
1152 therefore, the district may authorize the issuance of up to thirty million
1153 dollars of bonds, notes or other obligations to finance the cost of the

1154 improvements, the creation and maintenance of reserves required to
1155 sell the bonds, notes or obligations and the cost of issuance of the
1156 bonds, notes or obligations. The bonds, notes or other obligations may
1157 be secured as to both principal or interest by (A) the full faith and
1158 credit of the district, (B) fees, revenues or benefit assessments, or (C) a
1159 combination of subparagraphs (A) and (B) of this subdivision. Such
1160 bonds, notes or obligations shall be authorized by resolution of the
1161 board. The district is authorized to secure such bonds by the full faith
1162 and credit of the district or by a pledge of or lien on all or part of its
1163 revenues, fees or benefit assessments. The bonds of each issue shall be
1164 dated, shall bear interest at the rates and shall mature at the time or
1165 times not exceeding thirty years from their date or dates, as
1166 determined by the board, and may be redeemable before maturity, at
1167 the option of the board, at the price or prices and under the terms and
1168 conditions fixed by the board before the issuance of the bonds. The
1169 board shall determine the form of the bonds, and the manner of
1170 execution of the bonds, and shall fix the denomination of the bonds
1171 and the place or places of payment of principal and interest, which
1172 may be at any bank or trust company within the state of Connecticut
1173 and other locations as designated by the board. In case any officer
1174 whose signature or a facsimile of whose signature shall appear on any
1175 bonds or coupons shall cease to be an officer before the delivery of the
1176 bonds, the signature or facsimile shall nevertheless be valid and
1177 sufficient for all purposes the same as if the officer had remained in
1178 office until the delivery. The bonds shall be issued in registered form.
1179 The district may sell the bonds in a manner and for a price, either at
1180 public or private sale, as it may determine to be for the best interests of
1181 the district.

1182 (2) The board is hereby authorized and may provide by resolution
1183 for the issuance of refunding bonds of the district for the purpose of
1184 refunding any bonds then outstanding and issued under the
1185 provisions of this section, including the payment of any redemption
1186 premium thereon on any interest accrued or to accrue to the date of
1187 redemption of the bonds and the cost of issuance of such bonds.

1188 (3) While any bonds or notes issued by the district remain
1189 outstanding, the powers, duties or existence of the district shall not be
1190 diminished or impaired in any way that will affect adversely the
1191 interests and rights of the holders of the bonds or notes. Bonds or notes
1192 issued under this section, unless otherwise authorized by law, shall not
1193 be considered to constitute a debt of the state of Connecticut or the
1194 town of New Milford, or a pledge of the faith and credit of the state of
1195 Connecticut or of the town of New Milford, but the bonds or notes
1196 shall be payable solely by the district or as special obligations payable
1197 from particular district revenues. Any bonds or notes issued by the
1198 district shall contain on their face a statement to the effect that neither
1199 the state of Connecticut nor the town of New Milford shall be obliged
1200 to pay the principal of or the interest thereon, and that neither the faith
1201 and credit nor taxing power of the state of Connecticut or of the town
1202 of New Milford is pledged to the payment of the bonds or notes. All
1203 bonds or notes issued under this section shall have and are hereby
1204 declared to have all the qualities and incidents of negotiable
1205 instruments, as defined in section 42a-3-104 of the general statutes.

1206 (g) (1) The board may authorize that the bonds be secured by a trust
1207 agreement by and between the district and a corporate trustee, which
1208 may be any trust company or bank having the powers of a trust
1209 company within the state of Connecticut. The trust agreement may
1210 pledge or assign the revenues. Either the resolution providing for the
1211 issuance of bonds or the trust agreement may contain provisions for
1212 protecting and enforcing the rights and remedies of the bondholders as
1213 may be reasonable and proper and not in violation of law, including
1214 without limiting the generality of the foregoing provisions defining
1215 defaults and providing for remedies in the event thereof, which may
1216 include the acceleration of maturities, and covenants setting forth the
1217 duties of and limitations on the district in relation to the acquisition,
1218 construction, improvement, enlargement, alteration, equipping,
1219 furnishing, maintenance, operation, rehabilitation, demolition, repair,
1220 insurance and disposition of property, the custody, safeguarding,
1221 investment and application of moneys, the use of any surplus bond or

1222 note proceeds and the establishment of reserves. The resolution or
1223 trust agreement may also contain covenants by the board in relation to,
1224 among other things: (A) the establishment, revision and collection of
1225 fees, rates, assessments, rents and charges for services of facilities
1226 furnished or supplied by the district as shall provide revenues
1227 sufficient with other revenues of the district, if any, to pay (i) the cost
1228 of maintaining, repairing and operating the district utilities and
1229 infrastructure and of making renewals and replacements in connection
1230 therewith, (ii) the principal of and the interest on the bonds or notes as
1231 the same shall become due and payable, (iii) payments in lieu of taxes
1232 and benefit assessments, and (iv) reserves; (B) the purpose for which
1233 the proceeds of the sale of the bonds or notes will be applied and the
1234 use and disposition thereof; (C) the use and disposition of the gross
1235 revenues of the district from the district utilities and infrastructure,
1236 any additions thereto and extensions and improvements thereof,
1237 including the creation and maintenance of funds for working capital
1238 and for renewals and replacements to the district utilities and
1239 infrastructure; (D) the amount, if any, of additional bonds or notes
1240 payable from the revenues of the district and the limitations, terms and
1241 conditions on which the additional bonds or notes may be issued; and
1242 (E) the operation, maintenance, management, accounting and auditing
1243 of the utilities and district infrastructure and of the income and
1244 revenues of the district.

1245 (2) It shall be lawful for any bank or trust company incorporated
1246 under the laws of the state of Connecticut to act as depository of the
1247 proceeds of the bonds or of revenues, and to furnish such
1248 indemnifying bonds or to pledge securities as required by the board.
1249 The trust agreement may set forth the rights and remedies of the
1250 bondholders and of the trustees, and may restrict the individual right
1251 of action by bondholders as is customary in trust agreements or trust
1252 indentures securing bonds and debentures. In addition to the
1253 foregoing, the trust agreement may contain other provisions, as the
1254 board considers reasonable and proper for the security of the
1255 bondholders. All expenses incurred in carrying out the trust agreement

1256 may be treated as a part of the cost of the operation of the district. The
1257 pledge by any trust agreement or resolution shall be valid and binding
1258 from time to time when the pledge is made; the revenues or other
1259 moneys so pledged and then held or thereafter received by the board
1260 shall immediately be subject to the lien of the pledge without any
1261 physical delivery thereof or further act; and the lien of the pledge shall
1262 be valid and binding as against all parties having claims of any kind in
1263 tort, contract or otherwise against the board, irrespective of whether
1264 the parties have notice thereof. Notwithstanding any provision of the
1265 Uniform Commercial Code, neither this subsection, the resolution nor
1266 any trust agreement by which a pledge is created need be filed or
1267 recorded except in the records of the board, and no filing need be
1268 made under section 42a-3-106 of the general statutes.

1269 (h) The board is hereby authorized and may provide by resolution
1270 for the issuance from time to time, of notes of the district in
1271 anticipation of grants for the cost of the improvements or in
1272 anticipation of bonds to be issued pursuant to this section. The notes
1273 shall be authorized, issued, sold and secured in the same manner as
1274 bonds, and shall otherwise be subject to this section. The notes shall
1275 mature at the time or times as provided by the resolution of the board
1276 and may be renewed from time to time; but the notes and renewals
1277 thereof shall mature on or before five years from their date of issuance.

1278 (i) In addition to other security provided in this subsection, or
1279 otherwise by law, bonds, notes or obligations issued by the district
1280 under this section may be secured, in whole or in part, by a letter of
1281 credit, bond insurance policy, liquidity facility or other credit facility
1282 for the purpose of providing funds for payments in respect of bonds,
1283 notes or other obligations required by the holder thereof to be
1284 redeemed or repurchased prior to maturity or for providing additional
1285 security for the bonds, notes or other obligations. In connection
1286 therewith, the district may enter into reimbursement agreements,
1287 remarketing agreements, standby bond purchase agreements and any
1288 other necessary or appropriate agreements. The board may pledge or

1289 assign any of its revenues as security for the reimbursement by the
1290 district to the issuers or providers of the letters of credit, bond
1291 insurance policies, liquidity facilities or other credit facilities of any
1292 payments made under the letters of credit, bond insurance policies,
1293 liquidity facilities or other credit facilities.

1294 (j) The district shall have the power out of any funds available
1295 therefor to purchase its bonds or notes. The district may hold, pledge,
1296 cancel or resell the bonds or notes, subject to and in accordance with
1297 agreements with bondholders.

1298 (k) All moneys received pursuant to this section, whether as
1299 proceeds from the issue of bonds or notes, or as revenue or otherwise,
1300 shall be considered trust funds to be held and applied solely as
1301 provided in this section.

1302 (l) Bonds or notes issued under this section are hereby made
1303 securities in which all public officers and public bodies of the state of
1304 Connecticut and its political subdivisions, all insurance companies,
1305 trust companies, banking associations, investment companies,
1306 executors, administrators, trustees and other fiduciaries may properly
1307 and legally invest funds, including capital in their control and
1308 belonging to them; and such bonds shall be securities which may
1309 properly and legally be deposited with and received by any state or
1310 municipal officer or any agency or political subdivision of the state of
1311 Connecticut for any purpose for which the deposit of bonds or notes of
1312 the state of Connecticut is now or may hereafter be authorized by law.

1313 (m) Any holder of bonds or notes issued under this section, and a
1314 trustee, except to the extent the rights herein given may be restricted
1315 by the trust agreement, may, either at law or in equity, by suit, action,
1316 mandamus or other proceeding, protect and enforce all rights under
1317 the laws of the state of Connecticut or granted hereunder or under the
1318 trust agreement, and may enforce and compel the performance of all
1319 duties required by this section or by the trust agreement, to be
1320 performed by the district or by any officer thereof.

1321 (n) Bonds or notes may be issued under this section without
1322 obtaining the consent of any department, division, commission, board,
1323 bureau or agency of the state of Connecticut or the town of New
1324 Milford, and without any proceedings or the happening of any other
1325 conditions or things than those proceedings, conditions or things that
1326 are specifically required thereof by this section, and the validity of and
1327 security for any bonds or notes issued by the district shall not be
1328 affected by the existence or nonexistence of the consent or other
1329 proceeding conditions, or things.

1330 (o) The district and all its receipts, revenues, income and real and
1331 personal property shall be exempt from taxation and benefit
1332 assessments and the district shall not be required to pay any tax, excise
1333 or assessment to or from the state of Connecticut or any of its political
1334 subdivisions. The principal and interest on bonds or notes issued by
1335 the district shall be free from taxation at all times, except for estate and
1336 gift, franchise and excise taxes, imposed by the state of Connecticut or
1337 any political subdivision thereof, provided nothing in this section shall
1338 act to limit or restrict the ability of the state of Connecticut or the town
1339 of New Milford to tax the individuals and companies, or their real or
1340 personal property or any person living or business operating within
1341 the boundaries of the district.

1342 (p) The board shall at all times keep accounts of its receipts,
1343 expenditures, disbursements, assets and liabilities, which shall be open
1344 to inspection by a duly appointed officer or duly appointed agent or
1345 the state of Connecticut or the town of New Milford. The fiscal year of
1346 the district shall begin on July first and end on the following June
1347 thirtieth or as otherwise established by section 7-327 of the general
1348 statutes, as amended by this act. The district shall be subject to an audit
1349 of its accounts in the manner provided in the general statutes.

1350 (q) The district may make representations and agreements for the
1351 benefit of the holders of the district's bonds and notes or other
1352 obligations to provide secondary market disclosure information. The

1353 board or an officer authorized by the board may make the
1354 representations and agreements on behalf of the district or may
1355 delegate the authority to any other officer or employee of the district.
1356 The agreement may include (1) covenants to provide secondary market
1357 disclosure information, (2) arrangements for such information to be
1358 provided with the assistance of a paying agent, trustee, dissemination
1359 or other agent, and (3) remedies for breach of such agreements, which
1360 remedies may be limited to specific performance.

1361 (r) (1) This section shall be deemed to provide an additional,
1362 alternative and complete method of accomplishing the purposes of this
1363 section and exercising the powers authorized hereby and shall be
1364 deemed and construed to be supplemental and additional to, and not
1365 in derogation of, powers conferred upon the board by law and
1366 particularly by sections 7-324 to 7-329, inclusive, of the general
1367 statutes, as amended by this act; provided insofar as the proceedings of
1368 this section are inconsistent with any general statute or special act,
1369 administrative order or regulation, or any resolution or ordinance of
1370 the town of New Milford, this section shall be controlling. Without
1371 limiting the generality of the foregoing, no resolution or ordinance of
1372 the town of New Milford requiring ratification by the mayor and town
1373 council or the voters of the town of New Milford of certain bond issues
1374 shall apply to the issuance of bonds or notes of the district pursuant to
1375 this section.

1376 (2) Except as specifically provided in this section, all other statutes,
1377 ordinances, resolutions, rules and regulations of the state of
1378 Connecticut and the town of New Milford shall be applicable to the
1379 property, residents and businesses located in the district. Nothing in
1380 this section shall in any way obligate the town of New Milford to pay
1381 any costs for the acquisition, construction, equipping or operation and
1382 administration of the improvements located within the district except
1383 as may be agreed to in any intermunicipal agreements executed by the
1384 town of New Milford and the district.

1385 (s) At the option of the town of New Milford by vote of the town
1386 council, the district shall be merged into the town of New Milford after
1387 the bonds, notes or other obligations authorized by this section are no
1388 longer outstanding and any property which is owned by the district
1389 shall be distributed to the town of New Milford.

1390 (t) This section being necessary for the welfare of the town of New
1391 Milford and its inhabitants shall be liberally construed to affect the
1392 purposes hereof.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2005</i>	7-324
Sec. 2	<i>October 1, 2005</i>	7-325(a)
Sec. 3	<i>October 1, 2005</i>	7-325
Sec. 4	<i>October 1, 2005</i>	7-326
Sec. 5	<i>October 1, 2005</i>	7-327(a)
Sec. 6	<i>October 1, 2005</i>	7-327a
Sec. 7	<i>October 1, 2005</i>	7-329
Sec. 8	<i>October 1, 2005</i>	New section
Sec. 9	<i>October 1, 2005</i>	New section

Statement of Purpose:

To change the definition of "voters" for purposes of special districts containing remediation projects, so that non-resident landowners may participate in votes in such districts, to allow special districts to issue bonds for green building projects, and to allow the formation of special districts in New Milford and East Lyme.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]